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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,244	03/22/2004	Noboru Yonekawa	204552032600	9051
7590 06/13/2005				
Barry E. Bretschneider Morrison & Foerster LLP Suite 300 1650 Tysons Boulevard McLean, VA 22102		EXAMINER REIS, TRAVIS M		
		ART UNIT 2859		PAPER NUMBER
DATE MAILED: 06/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/805,244

Applicant(s)

YONEKAWA, NOBORU

Examiner

Travis M. Reis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20040322</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 5-8, & 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Yura et al. (U.S. Patent 6795678).

Yura et al. discloses a belt type fixing device (14) in Figure 5 comprising an endless-sheet-like fixing belt (15), a pressuring roller (17) which has elasticity and on which a paper (S) is passed through a fixing nip (L1) (Figure 4) that is contact part between the pressurizing roller and an outer circumferential surface of the fixing belt, and a curved nip forming member (19) which is provided in contact with an inner surface of the fixing belt which relatively presses the fixing belt against the pressurizing roller, of which an opposite surface pressing the pressurizing roller is formed as a curved surface extending along an outer circumferential surface of the pressurizing roller and of which the opposite surface is composed of an elastic layer (21) having a thickness of 1mm (col. 7 line 56) wherein the fixing belt is driving to rotate as the pressurizing roller rotates; and further includes a heating roller (16) that around which the fixing belt is wound.

3. Claims 1, 4, 5, 7, 9, & 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Okabayashi et al. (U.S. Patent 6864461).

Okabayashi et al. discloses a belt type fixing device (60) in Figure 12 comprising an endless-sheet-like fixing belt (66), a pressuring roller (67) which has elasticity and on which a

paper (P) is passed through a fixing nip (N) that is contact part between the pressurizing roller and an outer circumferential surface of the fixing belt, and a nip forming member (65) which is provided in contact with an inner surface of the fixing belt, which relatively presses the fixing belt against the pressurizing roller, of which an opposite surface pressing the pressurizing roller is formed as a curved surface extending along an outer circumferential surface of the pressurizing roller and of which the opposite surface is composed of an elastic layer wherein the quantity of deformation of the pressurizing roller is larger than the deformation of the elastic layer; and the fixing belt, which has a mold release layer (col. 8 line 2), is driven to rotate (b) by the pressurizing roller that is driven to rotate (a).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yura et al.

Yura et al. discloses all of the instant claimed invention as stated above in the rejection of claims 1, 2, 5-8, & 10-12, including a low-friction layer (22) is provided on the elastic layer

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of the nip forming member.

Yura et al. does not disclose the low-friction layer have a thickness of 5 to 300 μ m.

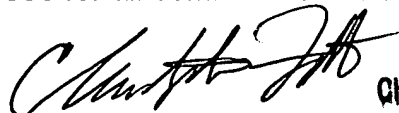
However, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a low-friction layer a thickness in the range of 5 to 300 μ m, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the "optimum range" involves only routine skill in the art. *In re Aller*, 105 USPQ 233. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to make the low-friction layer disclosed by Yura et al. have a thickness in the range of 5 to 300 μ m in order to provide low friction without obstructing paper.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sakurai et al. discloses an elastic rotatable member and fixing apparatus (U.S. Patent 5011401). Ndebi et al. discloses electrostatographic equipment with a multiplex fuser (U.S. Patent 5055884). Kanesawa et al. discloses a fixing device and image forming apparatus (U.S. Patent 5999788). Saito et al. discloses a rubber fixing roller (U.S. Patent 6408160). Gunji et al. discloses a fixing device (JP 405165371A). Fixing device of electrophotographic copying machine (JP 360002972A).

8. Inquiries concerning this, or earlier, communications from the examiner should be directed to Travis M. Reis (571) 272-2249; 8--5 M--F. If unreachable, contact the examiner's supervisor, Diego Gutierrez (571) 272-2245. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Travis M Reis
Examiner
Art Unit 2859
tmr
June 9, 2005



Diego Gutierrez
Supervisory Patent Examiner
Technology Center 2800

CHRISTOPHER W. FULTON
PRIMARY EXAMINER